

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 2, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 11:00 a.m., January 2, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2 Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

GOLDFIELD RANCH FIRE DISTRICT

Pursuant to A.R.S. §48-261(A), Chairman Brock called for a public hearing to solicit comments on the petitions submitted December 1, 2006, regarding the creation of the proposed Goldfield Ranch Fire District and the verifications completed by the County Recorder and the County Assessor.

Clerk of the Board Fran McCarroll announced that the certification of petitions and signature verifications are complete. According to the reports from both the Assessor and the Recorder, the applicant has filed more than the required number of signatures in each category. Therefore this applicant is eligible to have a fire district created per their request. No speakers coming forth at the Chairman's call and no protests having been received, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to issue the final order to create the Goldfield Ranch Fire District. (C0607045700) (ADM4452)

**IN THE MATTER OF THE ORGANIZATION
of
GOLDFIELD RANCH FIRE DISTRICT**

WHEREAS, an impact statement was presented pursuant to A.R.S. §48-261(A), proposing the organization of the Goldfield Ranch Fire District; and

WHEREAS, the impact statement contained a legal description of the boundaries of the proposed district; accurate map of the proposed district; an estimate of the assessed valuation within the proposed district, an estimate of the change in property tax liability, a list and explanation of benefits and injuries that will result from the proposed district, the names, addresses, and occupations of the proposed members of the organizing Board of Directors; and a description of the scope of services to be provided by the district during the first five years of operation; and

WHEREAS, the impact statement was approved by the Board at a hearing held on July 26, 2006, and circulation of petitions was authorized; and

WHEREAS, petitions were presented pursuant to A.R.S. §48-261, proposing the organization of the Goldfield Ranch Fire District; and

WHEREAS, a hearing was held regarding the petitions on January 2, 2007; and

WHEREAS, the petitions were signed by more than one-half of the property owners owning more than one-half of the assessed valuation of the property in the area of the proposed district and more than one-half of the qualified electors within the boundaries of the proposed district;

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WHEREAS, the Board of Supervisors estimates that the district has a population of fewer than four thousand inhabitants based on available election or voter registration statistics and estimates provided by the County Assessor,

IT IS THEREFORE ORDERED that the said Goldfield Ranch Fire District is hereby declared organized and created thirty (30) days from this date; and

IT IS FURTHER ORDERED that Mr. Al Glenister, Mr. Tom Parsons, Mr. Bob Waldo are hereby declared as the organizing Board of Directors to administer the affairs of the district until a duly constituted board of directors is elected; and

IT IS FURTHER ORDERED that the boundaries of the said Goldfield Ranch Fire District be declared as follows:

That part of Section 9, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, lying East of the Fort McDowell Yavapai Nation Boundary;
Section 10, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian;
Section 11, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian;
That part of Section 12, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, lying South of the Tonto National Forest;
That part of Section 13, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, lying West of the Tonto National Forest;
Section 14, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian;
Section 15, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian;
Section 22, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, except the West ½ of the West ½ of said Section 22 (which was patented to the Fort McDowell Mohave-Apache Community by the patent recorded at document #00-0772416);
Section 23, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian;
That part of Section 24, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, lying West of the Tonto National Forest; and
That part of Section 27, Township 3 North, Range 7 East, Gila and Salt River Base and Meridian, lying North of the Tonto National Forest and except Lots 2, 3 and 5 of said Section 27 (which were patented to the Fort McDowell Mohave-Apache Community by the patent recorded at document #00-0772416).
Excepting from the above, those portions of Sections 13, 22, 23, 24 and 27 lying within Arizona State Highway 87.

DATED this 2nd day of January 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CONTINUED USE OF OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute amendment to Lease No. L7229 with Eastgate Mesa, L.L.C., Lessor, for 11,900 square feet of office space located at 540 W. Iron Avenue, Mesa, AZ. This amendment will extend the term of the existing lease four years from July 15, 2007 to July 14, 2011. The annual rental rate is at \$18

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per square foot or an annual rate of \$214,200 plus rental tax. The lease contains a 90-day termination provision and a six-month holdover provision. This lease arrangement allows for the continued use of office space for the County Attorney Juvenile Division. (C1996028404)

RADIO REPLACEMENT PROGRAM

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve transfer of expenditure appropriation from FY 2006-07 contingency funds as follows: \$155,674 (\$311,348 annualized) from General Government (470) General Fund (Fund 100) Justice Reserve (4711) to the Sheriff's Office (500) General Fund (100); and \$123,322 (\$246,643 annualized) from General Government (470) Detention Fund (Fund 255) Justice Reserve (4711) to the Sheriff's Office (500) Detention Fund (255). Approval of this item will allow the Sheriff's Office to have sufficient funds appropriated to begin the lease purchase of replacement radios for deputies and detention officers. Future adjustments will be added to the Sheriff's Office General and Detention Fund targets per the agreed upon schedule; however, inventory levels will be re-evaluated with changes in staffing and operations. (C5007050800) (ADM3900-002)

RECONCILIATION APPROPRIATION INCREASE IN REVENUES AND EXPENDITURES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a mid-year reconciliation appropriation increase in revenues and expenditures to the Sheriff's Office FY 2006-07 Grant Fund (251) in the amount of \$621,292. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Grant awards and applications have been and will continue to be processed and approved by the Board of Supervisors according to County Policy. (C5007051800) (ADM3900-003)

TECHNOLOGY FINANCE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the purchase of four laptops that will be used for the Pre-Booking Wireless Assessment component of the Arizona Criminal Justice Commission, Gerald Hardt Memorial Criminal Justice Records Improvement Program. The laptops to be purchased are: 1 CF-74, 2 CF-19's and 1 CF-30 with related software, accessories and color printers compatible with county platform. These laptop computers will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund. (C5007538301) (ADM1831)

APPLY AND ACCEPT GRANT FUNDS FROM THE ARIZONA DEPARTMENT OF EDUCATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following applications and acceptance of grant funds from the Arizona Department of Education (ADE). Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. If any additional funds are awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments:

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- a. Arizona Department of Education (ADE) for Gifted Education funds to improve instructional services for gifted students within the Maricopa County Regional Special Services District Gifted Education consortium (9 schools in rural areas). \$17,592 is budgeted for FY 2006-07. This action requires a revenue and expenditure appropriation adjustment increasing the FY 2006-07 Superintendent of Schools (370) Grant Fund (715) revenue and expenditure budgets by \$456. The term of the contract will be one year, to begin July 1, 2006 through June 30, 2007. This grant is non-renewable, and a new proposal will be required for the next fiscal year based upon Local Education Agency student data submitted to ADE. MCSOS indirect rate for FY 2006-07 is 14.28%. The restricted indirect cost rate allowed by this grant source is 7.4%. Recoverable indirect costs are \$1,244. The restricted indirect cost rate unallowable by this grant source is 6.88%. Unrecoverable indirect costs on this award are \$1,156. (C3707010300)
- b. Arizona Department of Education (ADE) for formula based Gifted Education funds to improve instructional services for gifted students within the Maricopa County Educational Service Agency Gifted Education consortium CTDS# 079999001 (9 charter schools). \$18,864 is budgeted for FY 2006-07. This action requires a revenue and expenditure appropriation adjustment increasing the FY 2006-07 Superintendent of Schools (370) Grant Fund (715) revenue and expenditure budgets by \$5,258. The term of the contract will be one year, to begin July 1, 2006 through June 30, 2007. This grant is non-renewable, and a new proposal will be required for the next fiscal year based upon Local Educational Agency (LEA) student data submitted to ADE. MCSOS indirect rate for FY 2006-07 is 14.28%. The restricted indirect cost rate allowed by this grant source is 7.4%. Recoverable indirect costs are \$1,662. The restricted indirect cost rate unallowable by this grant source is 6.88%. Unrecoverable indirect costs on this award are \$1,545. (C3707011300)
- c. Arizona Department of Education (ADE) for the Title IV Safe and Drug Free Basic. The term of the contract, if awarded, will be one year, to begin July 1, 2006 through June 30, 2007. All indirect costs are unallowable and will not be recoverable. The Department's FY 2007 authorized indirect cost rate of 14.28% will not be applied and total estimated unrecoverable indirect costs are \$3,189. (C3707014300)
- d. Arizona Department of Education for the State Chemical Abuse Entitlement. The term of the contract, if awarded, will be one year, to begin July 1, 2006, through June 30, 2007. All indirect costs are unallowable and will not be recoverable. The Department's FY 2006-07 authorized indirect cost rate of 14.28% will not be applied and total estimated unrecoverable indirect costs are \$1,142. (C3707015300)
- e. Arizona Department of Education for the Mathematics and Science Partnerships Grant, which is a professional development program targeting teachers in Maricopa County. The term of the contract will be twenty months, and is anticipated to begin February 1, 2007 through September 30, 2008. This grant is non-renewable, and a new proposal will be required for the next such program. MCSOS indirect rate for FY 2006-07 is 14.28%. The restricted indirect cost rate allowed by this grant source is 7.4%. Recoverable indirect costs are \$24,315. The restricted indirect cost rate unallowable by this grant source is 6.88%. Unrecoverable indirect costs on this award are \$22,606. (C3707016300)

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LUMP SUM PAYMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a request for payment of one one-time lump sum payment as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy and Procedure", Section XI.E. Performance/Merit increases. The lump sum payment is for the following employee: Debra Hall, one time lump sum of \$4,720. This employees' talent and abilities far exceed our expectations, and this adjustment is intended to acknowledge their tremendous contributions in areas outside their primary areas of responsibility. The increase would be effective upon Board approval. (C2707009M00) (ADM3308)

APPLY AND ACCEPT GRANTS FOR THE JUVENILE PROBATION DEPARTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application for and acceptance of the FY 2006-07 grants for the Juvenile Probation Department of the Judicial Branch in the amount of \$9,703,838 plus allowable interest of \$219,093 for a total of \$9,922,931. Approval of the grants agenda will increase grant funding by \$3,710,101 because actual grant funding received was more than anticipated and budgeted.

Also approve an increase to the Juvenile Probation Grants Fund (227) revenue and expenditure appropriations of \$3,710,101. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The indirect cost rate as of July 1, 2006 is 29.00%, as calculated by the Department of Finance. Most of the grants for FY 2006-07 do not allow for indirect cost recovery, as reflected in the funding agreements. (C2707010300)

ACCEPTANCE OF GRANTS AND REVENUE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the FY 2006-07 grants and associated revenue for the Trial Courts Department of the Judicial Branch in the amount of \$3,497,964 total. The indirect costs (based upon a rate of 38.7% certified by the Dept of Finance) of \$1,353,712, are not fully recoverable from the funding, as all of the grants for FY 2006-07 do not allow for indirect cost recovery. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and, therefore, expenditure of these revenues is not prohibited by the budget law. (C3807017300)

AGREEMENT WITH ARIZONA SCHOOL OF HEALTH SCIENCES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an affiliation agreement between Correctional Health Services and Arizona School of Health Sciences. Approval would provide Physician Assistant students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement period would be for five years. There is no financial impact. (C2607006000)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to reject claim demands October 2006 for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and

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are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$2,015,487.42 and A.R.S. §11-622 \$0.00. (C3907007700) (ADM1804)

**MONTHLY REPORT
October 2006**

Vendor	Amb., Doctors, Hosp. ARS 11-629	Over Six Months ARS 11-622
Advanced Cardiac Specialists	6,048.00	0.00
Affiliated Cardiologists	3,690.00	0.00
Allure Plastic Surgery Pc	133.00	0.00
American Physicians Inc	2,462.47	0.00
Arizona Orthopaedic Assoc	478.00	0.00
Arizona Pulmonary Specialists	995.00	0.00
Associated Ophthalmologists	117.00	0.00
Associated Radiologists, Ltd	495.00	0.00
Associated Retina Consultants	2,817.04	0.00
Az Neurological Institute	3,282.75	0.00
Az Ophthalmic Outpt. Surg	3,611.18	0.00
Az Orthopedic / Fracture Surgeon	136.00	0.00
Banner Baywood Medical Center	42,630.39	0.00
Banner Desert Medical Center	42,097.35	0.00
Banner Estrella Medical	16,919.25	0.00
Banner Good Sam Behav Hlth Ct	428.00	0.00
Banner Good Samaritan Reg Med	224,254.11	0.00
Banner Good Sam Women's Health	246.00	0.00
Banner Mesa Medical	3,399.68	0.00
Banner Thunderbird Med Center	90,277.96	0.00
Canyon Surgery Center	8,837.00	0.00
City Of Phoenix Ambulance	606.46	0.00
Dawn J. McGinnis Md.	700.00	0.00
Desert Hospitalists Pc	345.00	0.00
Emergency Physicians Prof Asso	10,378.00	0.00
Empower Emergency Physicians	544.00	0.00
Gottlieb, Marc E. Md Pc	110.00	0.00
Hanger Prosthetics & Orthotics	1,926.00	0.00
Kati Doyle, Crnfa	1,870.00	0.00
Maricopa Health Systems	1,289,776.57	0.00
Martin Leo A, Md	0.00	0.00
Mark A Omalley D.O.	4,049.00	0.00
Medpro	129,642.40	0.00
Metro Heart Care	357.00	0.00
Neurosurgical Associates	200.00	0.00

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No Appointment Md Cc	308.00	0.00
Orthopedic Surgery Affiliates	70.00	0.00
Orthopedic Trauma Alliance	12,179.00	0.00
Paradise Valley Hospital	1,764.22	0.00
Pathology Specialists Az	242.05	0.00
Phoenix Memorial Hospital	23,448.04	0.00
Professional Diagnostix	367.00	0.00
Professional Medical Transport	3,366.64	0.00
Rural Metro Ambulance	19,820.88	0.00
Southwest Ambulance	30,027.52	0.00
Southwest Neuro-Imaging	783.00	0.00
St Josephs Hosp Arizona	22,553.00	0.00
St Luke's Medical Center	2,108.46	0.00
Valley Anesth Consultants Ltd	4,590.00	0.00
Grand Totals:	2,015,487.42	0.00
Restitution	0.00	
Total Denials:	2,015,487.42	

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

CONSULTING AND TRAINING SERVICES – WITHDRAWN

Approve a sole source contract with Weidner Inc. to provide consulting and training services specific to the county's current Managing for Results program, and to individual departmental strategic plans. As the original designer of the County's Managing for Results strategy, Weidner, Inc. is uniquely qualified to perform these services. The contract amount is \$500,000 and is effective upon Board approval. The contract period is expected to last no longer than three years. Subject to Civil Division's review and approval of this item. (C4907021100)

Chairman Brock announced that this item has been withdrawn.

RENEWAL OF LEASE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute the first amendment to lease No. L7322 with the City of Phoenix, lessor, for 3,024 square feet of vacant land at 1260 S. 7th Avenue, Phoenix. The county leases a parcel of land adjacent to Maricopa County's Seventh Avenue Family Health Center on which a county owned modular WIC facility is located. This is a Limited Service Lease with the county paying for all utilities and repairs. The current lease expired December 31, 2006, with the city agreeing to renew the lease for an additional five years at an annual rate of \$1.00. (C8603066401)

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AMENDMENT TO IGA FOR TOBACCO EDUCATION/PREVENTION PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 6 to the intergovernmental agreement for Tobacco Education/Prevention Programs from the Arizona Department of Health Services (HG354361) to Maricopa County Department of Public Health's Tobacco Use Prevention Program for FY 2006-07. This grant was previously approved on the 2006 Letter of Intent C86060433LI item #8 in the amount of \$3,938,963. The amendment increases this amount by \$194,400 for a total of \$4,133,363. The term for the additional funds is November 20, 2006 to June 30, 2007. The full indirect costs of 18.1% on the additional funding would be \$32,773, of which \$13,334 is allowable (15% of Personnel Services and Employee Related Expenses only). Therefore, \$19,439 is unrecoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$194,400. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603159206)

USE OF FACILITIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the non-financial agreement between Maricopa County, through the Department of Public Health, and the Recreation Centers of Sun City West, Inc. for the use of their facilities in the event of a public health emergency. The term of the agreement shall begin upon the Board of Supervisors' approval and shall remain intact until terminated by either party with a 30 days written notice. (C8607031000)

MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize exception to Section IV of the Maricopa County Employee Compensation Plan to permit four of the newly-hired employees of the Department of Public Health's WIC program to retain base rates of pay (\$10.72) in excess of the maximum rate (\$8.29) advertised in the posted recruitment. Office of Management and Budget's Employee Compensation Division supports this action. The costs for the difference will be absorbed in the personnel line item of the WIC grant (HG361070) provided to the Department of Public Health through the Arizona Department of Health Services. The affected employees are: (C8607032M00) (ADM2150-001) (ADM3308-001)

- o Gasper, Malissa
- o Real, Zenaida
- o Rivera, Esperanza
- o Diaz, Edna

MEDICAL AND CASE MANAGEMENT SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the non-financial Memorandum of Understanding (MOU) between Maricopa County Department of Public Health Counseling and Testing Service and Area Agency on Aging/HIV Care Directions for provision of expedited referral and linkage of newly-diagnosed persons living with HIV into

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medical and case management services. The MOU is non-financial and the term is from January 1, 2007 to December 31, 2009 and is renewable for an additional two years. (C8607033000)

AGREEMENT WITH SCOTTSDALE HEALTHCARE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Affiliation Agreement with Scottsdale Healthcare to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from January 1, 2007 through December 31, 2007. (C8607034000)

AGREEMENT WITH JOHN C. LINCOLN HEALTH NETWORK

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Dietetic Internship Agreement with John C. Lincoln Health Network d.b.a. John C. Lincoln Hospital – North Mountain, John C. Lincoln Hospital – Deer Valley, and other entities of Lincoln Limited Liability Company, to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from January 1, 2007 through December 31, 2008. (C8607035000)

SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement with the Madison Elementary School District, to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. The term of the agreement is retroactive from October 1, 2006 to May 1, 2007 for a contract dollar amount not-to-exceed \$4,000. (C8607482200)

ARIZONA DEPARTMENT OF ECONOMIC SECURITY, REHABILITATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 2 to cancel the action taken on July 12, 2006, called for in Amendment No. 1, agenda item C2206102001. The purpose for cancelling this item is that a decision was made that an entirely new contract would be issued rather than modify intergovernmental agreement C2206102200, in accordance with the changes called for in Amendment No. 1 (C2206102002)

REDUCED MEAL REIMBURSEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement (IGA) with the Mesa Unified School District for the provision of food catering to participants in Maricopa County Head Start. This amendment adds reimbursement for the family co-pay under reduced meal reimbursement. However, this amendment does not change the current ceiling price. The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$293,955. The IGA requires Mesa Unified School District to provide a minimum of 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, and the U. S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is October 1, 2006, through September 30, 2007. This agreement does not include any County General Funds. (C2207093201)

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DATA AND REPORT SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the sole source procurement with the Arizona Hospital and Healthcare Association on behalf of the Healthcare Institute Workforce Data Center to purchase data reports for use by the Human Services Department Workforce Development Division in targeting recruitment, training and retention services for the high demand healthcare industry. This data is required under funding agreements with the U.S. Department of Labor Workforce Investment Act. The total cost of the reports will not exceed \$150,000 (\$50,000 per year for a period of 3 years). The period of performance under the contract is January 1, 2007, through December 31, 2009. (C2207107100)

KENNEL PERMIT

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits for the term of January 2, 2007 through January 1, 2008. The cost of each kennel permit is \$328.00.

- a. Shirley Banderet, d.b.a B-Z-B's Chihuahuas Kennels, 4424 W Tierra Buena Lane, Glendale, AZ 85306, District 4, Permit #382 (C7907032C00) (ADM2304)
- b. Terry Jamtgaard, d.b.a. The Dog House Kennels, 2103 W Belmont Ave, Phoenix, AZ 85021, District 3, Permit #078. (C7907033C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of the following donations:

- a. PetSmart Corp., 19,200 pounds of dog and cat food to Maricopa County Animal Care & Control valued at \$1,920 for the care and well being of the animals. Donation revenue funds are deposited into Department (790) Fund (573) as they are received. (C7907031700) (ADM2300-006)
- b. Heather Collins of Cave Creek Arizona, 55 dog beds and pet bedding to Maricopa County Animal Care & Control valued at \$1,020 to provide for the care and well being of the animals. Donation revenue funds are deposited into Department (790) Fund (573) as they are received. (C7907034700) (ADM2300-006)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

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FUND TRANSFERS – AMENDED LANGUAGE

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend previous Board action C1804042B01, Second Paragraph, Sections A, B, and C, which included the following language and was approved on November 15, 2006:

- Approve a fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance Reserved Contingency Items "Property Acquisition" line (Fund 100, Dept. 480, Org 4811) to an existing line item in Appropriated Fund Balance Other Programs (Fund 100, Dept. 480, Org 4812) "Transfer to CIP funds"; then transfer these funds to Appropriated Fund Balance General Fund Improvement Fund (Fund 445, Dept. 480, Org 4813) Southwest Justice Center (Function Class SWJC). Also approve offsetting revenue and expenditure adjustments to Eliminations (Fund 900, Dept. 980).
- Increase the revenue and expenditure budgets of the Southwest Justice Center project in Year 1 (FY 2006-07) in the General Fund Capital Improvement Fund (445) by \$1,900,000.
- Transfer expenditure authority from Appropriated Fund Balance Intergovernmental Capital Projects Fund (Dept. 480, Fund 422) to General Government Grant Fund (Dept. 470, Fund 249, Org 4711 Expenditure Authority Reserve, line item Potential Increases). This will require an appropriation adjustment decreasing the expenditure budget of the Southwest Justice Center project in Year 1 (FY 2006-07) in the Appropriated Fund Balance (Dept 480) Intergovernmental Capital Projects Fund (422) by \$1,900,000 and an appropriation adjustment increasing the expenditure budget of General Government Grant Fund (Dept. 470, Fund 249, Org 4711 Expenditure Authority Reserve, line item Potential Increases).

To the following language for Second Paragraph, Sections A and B, and deleting Section C:

- Approve a fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance Reserved Contingency Items "Property Acquisition" line (Fund 100, Dept. 480, Org 4811) to an existing line item in Appropriated Fund Balance Other Programs (Fund 100, Dept. 480, Org 4812) "Transfer to CIP funds"; then transfer these funds to Appropriated Fund Balance General Fund County Improvement Fund (Fund 445, Dept. 480, Org 4813) Southwest Justice Center (SWJC). Also approve offsetting revenue and expenditure adjustments to Eliminations (Fund 900, Dept. 980).
- Amend the Appropriated Fund Balance (Dept 480) Intergovernmental Capital Projects Fund (422) Southwest Justice Center (SWJC) project cost by decreasing the Year 2 project cost by \$1,900,000. Also amend the Appropriated Fund Balance (Dept 480) General Fund County Improvement Fund (445) Southwest Justice Center (SWJC) project cost by increasing the Year 2 project cost by \$1,900,000.

In addition, Amend Board action C1804042B01, Third Paragraph, from:

- Pursuant to A.R.S. §42-17106(B), approve the following changes to the FY 2006-07 General Government (470), General Fund (100), Major Maintenance (4732) expenditure budget, Year 1:
- Create a new project, Scottsdale Adult Probation Office Tenant Improvements, Function Class SAPO, in the amount of not-to-exceed \$2,200,000
- Decrease Major Maintenance Project Reserve, Function Class MMPR, by not-to-exceed \$2,200,000 The adjustments have a net zero impact on the overall County budget.

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To the following language, amending Third Paragraph:

- Pursuant to A.R.S. §42-17106(B), approve the following changes to the FY 2006-07 General Government (470), General Fund (100), Major Maintenance (4732) project schedule and expenditure budget, Year 1:
- Create a new project, Scottsdale Adult Probation Office Tenant Improvements (SAPO), with an expenditure budget of \$2,200,000.
- Decrease the Major Maintenance Project Reserve (MMPR) expenditure budget by \$2,200,000.

In addition, Amend Board action C1804042B01, to include Fourth Paragraph, stating:

- The adjustments have a net zero impact on the overall county budget. (C1804042B02) (ADM800-003)

INTERNATIONAL GENOMIC CONSORTIUM

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the fifth and final \$1,000,000 payment to the International Genomic Consortium (IGC) pursuant to the Economic Development Funding Agreement executed between IGC and Maricopa County on October 22, 2002. (C1807013800) (A DM686)

REIMBURSEMENT OF CAPITAL EXPENDITURES AND MAJOR MAINTENANCE

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the Chairman to sign a Declaration of Official Intent to reimburse identified county projects as further described. The declaration will allow the county to reimburse capital expenditures should the county decide to issue tax exempt borrowings.

Direct the Department of Finance to identify financing options for these projects to be approved at a future Board meeting.

Capital expenditures projected for FY 2006-07 are \$20,400,000. The Declaration of Intent will not exceed budget authority of \$20,400,000.

Approve a revenue appropriation and expenditure adjustment not-to-exceed \$20,400,000 for proceeds from debt financing in Appropriated Fund Balance (480) Capital Improvement Fund #2 (Fund 440). (C1807014800) (ADM1800)

SOLICITATION SERIALS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award
06107-C**

Corrugated Metal Pipe and Reinforced Concrete Pipe (\$450,000 estimate/three years with three one-year renewal options) Price agreement to purchase corrugated metal pipe and reinforced concrete pipe for use in construction and maintenance of roadways.

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- Arizona Culvert Co.
- Contech Construction Products
- Hanson Pipe & Precast

- 06108-C Truck, 30-Passenger Walk-In Prisoner Transport** (\$436,500 estimate/one year)
Price agreement to purchase two (or more) prisoner transport trucks for use by the Sheriff's Office.
- Quality Vans

An increase in the price agreement amount for the following contracts. This request is due to an increased usage by county departments.

- 06039-S Card Access System Devices: M/R Upgrade and Software Installation** (\$2,670,000 increase) Increase price agreement value from \$330,000 to \$3,000,000. This \$2,670,000 increase is requested by FMD to provide ongoing preventive maintenance and software upgrades, and to correct the understated value approved by the Board on August 16, 2006. Materials Management approved an interim increase of \$30,000.00 on December 14, 2006. Contract expiration date is August 31, 2009.
- Benson Security Systems, Inc.

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Facilities Management
Timmie Rosenow

County Attorney's Office
Michael Filosofo
Pui Ip

Sheriff's Office
Michael Shiels

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY COURSE GRANT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Maricopa County Air Quality Department (MCAQD) to apply for and participate in the collaboration with the Arizona State University in the United States Environmental Protection Agency Course Grant EPA-G2006-STAR-Q1. If awarded, MCAQD will request acceptance of the grant on a subsequent agenda, which will authorize the MCAQD to be a co-investigator in the Course Particulate Matter in Urban and Rural Arizona: Sources, Composition and its Effects on People Project. (C8507014300)

BUDGET ADJUSTMENTS

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following FY 2006-07 budget adjustments:

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- A fund transfer of \$1,372,439 in FY 2006-07 from General Government (470) General Fund (100) Major Maintenance (4732) Project Reserve (MMPR), Year 1 to a new line entitled "Debt Service Transfer " in General Government (470) General Fund (100) Debt Service/Cap. Lease (4716); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900). In addition, decrease the General Government (470) General Fund (100) Major Maintenance (4732) Project Reserve (MMPR), Year 1 by \$1,372,439.
- A fund transfer of \$1,678,836 in FY 2006-07 from Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Project Reserve (MMPR), Year 1 to a new line entitled "Debt Service Transfer" in Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900). In addition, decrease the Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Project Reserve (MMPR), Year 1 by \$1,678,836.
- A fund transfer of \$4,000,000 in FY 2006-07 from Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) East Courts Infrastructure Improvements (EEII) project, Year 1 to the "Debt Service Transfer" line in Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900). In addition, decrease the Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) East Courts Infrastructure Improvements (EEII) project, Year 1 by \$4,000,000.
- A fund transfer of \$2,542,725 in FY 2006-07 from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to the "Debt Service Transfer" line in Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900).

Pursuant to A.R.S. §42-17106(b), approve revenue and expenditure appropriation increases of \$9,594,000 in the General Government (470) County Improvement Debt #2 Fund (321).

Pursuant to A.R.S. §42-17106(b), approve the addition of the Central Court Building (CCBI) project in the Appropriated Fund Balance (480) County Improvement Fund #2 (440) with a project cost of \$9,594,000. In addition, increase the Appropriated Fund Balance (480) County Improvement Fund #2 (440) revenue and expenditure budget appropriations by \$9,594,000.

- Direct the Department of Finance to identify financing options for this project to be approved at a future Board meeting.
- Approve and authorize the Chairman to sign a Declaration of Official Intent. This declaration will allow the General and other funds to be reimbursed for capital expenditures that will ultimately be financed with tax exempt borrowings.

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Pursuant to A.R.S. §42-17106(b), approve the following FY 2006-07 expenditure budget adjustments in Appropriated Fund Balance (480), General Fund (100) to fund the lease of the One West Madison facility for the second half of FY 2006-07: (C7007026800) (ADM800-003)

- Increase Infrastructure/CIP (4813) "Lease Terminations" by \$240,000
- Decrease General Contingency (4811) by \$240,000

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

AB-147-EX (SW) Project No.: TT008 – Special Warranty Deed – Grantor: Maricopa County, a political subdivision of the State of Arizona – Grantee: Shane Carlsen and Deborah Carlsen - Parcel No.: Not Assessed - for the sum of \$3,500.00.

AB-147-EX (SW) Project No.: TT008 –Escrow Instructions – Grantor: Maricopa County, a political subdivision of the State of Arizona – Grantee: Shane Carlsen and Deborah Carlsen - Parcel No.: Not Assessed

DD-10635 (GL) Project No.: Dedication – Plymouth Road @ 78th St. – Warranty Deed - Parcel No.: 219-22-001K – John M. Condon and Catherine Condon - for the sum of \$10.00.

DD-10635 (GL) Project No.: Dedication – Plymouth Road @ 78th St. – Purchase Agreement and Escrow Instructions - Parcel No.: 219-22-001K – John M. Condon and Catherine Condon.

MI-4N1W-27.002 (JPM) Project No.: TE212 – R.H. Johnson Blvd. @ Meeker Blvd. – License and Right of Entry – Parcel No.: 232-12-013C (a portion of) – Arizona CVS Stores, L.L.C., an Arizona limited liability company – for the sum of \$500.00.

X-1302B-1 (JPM) Project No.: TT087 - Queen Creek Road (Arizona Avenue to McQueen Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 303-33-017G – Word of Faith Family Church, Inc., an Arizona non-profit corporation - for the sum of \$572.00.

ADDITION OF PROJECTS AND CORRESPONDING EXPENDITURE BUDGET

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition of the following projects and corresponding expenditure budgets to the FY 2006-07 Transportation Improvement Program (TIP), Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1:

Project Number	Name	Budget
T269	Traffic Signal Improvement No. 11	\$4,500
T270	Traffic Signal Improvement No. 12	\$4,500
T271	Traffic Signal Improvement No. 13	\$4,500

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T272	Traffic Signal Improvement No. 14	\$4,500
T273	Traffic Signal Improvement No. 15	\$4,500

Also approve an amendment of the FY 2007-2011 five-year Transportation Improvement Program (TIP), Department of Transportation (640) Transportation Capital Projects Fund (234), by decreasing the FY 2007 (Year 1) capital budget for the following projects:

Project Number	Name	Capital Budget
T004	Warranted Traffic Improvement	\$10,000
T006	Unallocated Force Account	\$12,500

The requested adjustment is necessary to realign project budgets to more closely match the year-end projected expenditure amount, and results in a net impact of zero. (C6407122800) (ADM2000-003)

AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement and acceptance of the agreement with the Union Pacific Railroad Company (UPRR) in the estimated amount of \$529,564 for the reconstruction and widening of its at-grade railroad crossing at Cotton Lane and MC85 in support of MCDOT Project T180, Cotton Lane Bridge at the Gila River. Subject to review and approval by the County Engineer.

Also approve the estimated expenditure of \$54,833 for new right-of-way to support the widening of the existing railroad crossing at Cotton Lane and MC85. MCDOT agrees to reimburse UPRR at 100% of their actual costs in the support of this project. MCDOT acknowledges that UPRR has prior rights. (C6407143100)

REIMBURSEMENT TO SALT RIVER PROJECT FOR ENGINEERING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Salt River Project (SRP) for engineering services and construction by SRP contracted forces for the relocation of its facilities and private irrigation facilities that are in conflict with Maricopa County Department of Transportation Project T087, Queen Creek Road: Arizona Avenue to McQueen Road. The cost may not exceed the current estimate of \$192,122.43 by more than 10%. (C6407145M00) (ADM2000-006)

APPOINTMENT

Pursuant to A.R.S., Title 11, Chapter 3, Section 9, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to designate and appoint Kenny W. Harris, P.E. as the Public Works Director and Maricopa County Engineer effective January 8, 2007, replacing Richard Wallace as acting Maricopa County Engineer. (C6407146000) (ADM2000)

AGREEMENT FOR ARIZONA BENCHMARKING STUDY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County, Pima County, the City of Tucson, and the City of Phoenix for a Cost Sharing Agreement for the Arizona Benchmarking Study.

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Pima County will award, execute and administer the agreement with the contractor, which is estimated at \$120,000. Each partner will contribute one-fourth of the cost of the study, approximately \$30,000 to Pima County upon invoice or no later than December 31, 2006. (C6407149200)

ROAD RIGHT-OF-WAY ABANDONMENT AB-120R

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-120R:

**RESOLUTION
ROAD ABANDONMENT AB-120R**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of the intersection of Culver Street and 87th Street was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on August 5, 1977, and recorded by the Maricopa County Recorder in Docket 12358, Pages 1038 and 1039; and

WHEREAS, the Maricopa County Board of Supervisors took action to extinguish this easement previously, but the legal description of the easement was incorrect.

WHEREAS, the previous action by the Maricopa County Board of Supervisors to extinguish this easement occurred on January 4, 2006,

WHEREAS, the incorrect legal description was:

A portion of Culver Road lying in the Northeast quarter of the Northwest quarter of Section 4, Township 5 North, Range 3 West of the G&SRB&M, Maricopa County, Arizona described as follows: The East 140.01' of the South 25' of the Southeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 4, T1N-R7E.

WHEREAS, a corrected legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§ 28-6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

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BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 12358, Pages 1038 and 1039.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. §28-7210.

BE IT FURTHER RESOLVED that this resolution amends the previous action taken on January 4, 2006 and that the easement described in the January 4, 2006 action is no longer extinguished.

DATED this 2nd day of January 2007. (C6406109700)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Legal Description: AB-120R

The East 140.01' of the South 25' of the South half of the East half of the Southwest quarter of Lot 3 of Section 4 - T1N, R7E of the G&SRB&M, Maricopa County, Arizona.

ROAD RIGHT-OF-WAY ABANDONMENT AB-155

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-155:

**RESOLUTION
ROAD ABANDONMENT AB-155**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING THAT ROADWAY.

WHEREAS, a certain roadway located in the general vicinity of Jenny Lin Road and I-17 was acquired by Maricopa County by means of a Quit Claim Deed on February 18, 1959 and recorded by the Maricopa County Recorder as Docket 2759, Page 351; and

WHEREAS, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

WHEREAS, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§28-6709, 7202, 7205 and 7215.

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BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway as described in Exhibit "A" is hereby abandoned.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in record number Docket 2759, Page 351.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. §28-7210.

DATED this 2nd day of January 2007. (C6407128000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: Legal Description – AB-155

The West Forty (40) feet, the North Thirty-three (33) feet and the East Thirty-three (33) feet of the North half of Lot Forty-nine (49) of Section Thirty-four (34), Township Seven (7) North, Range Two (2) East of the G&SRB&M, Maricopa County, Arizona.

ROAD RIGHT-OF-WAY ABANDONMENT AB-131

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-131:

**RESOLUTION
ROAD ABANDONMENT AB-131**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING OR VACATING THAT ROADWAY.

WHEREAS, a certain roadway located in the general vicinity of 176th Street and Lone Mountain Road was acquired by Maricopa County by means of a Quit Claim Deed on December 1, 1967 and recorded by the Maricopa County Recorder as Docket 6861, Pages 513 and 514; and

WHEREAS, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

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WHEREAS, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§28-6709, 7202, 7205 and 7215.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway as described in Exhibit "A" is hereby abandoned.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 6861, Pages 513 and 514.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. 28-7210.

DATED this 2nd day of January 2007. (C6407139000)

/s/ Fulton Brock, Chairman of the Board

ATTEST

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, Legal Description AB-131

The East 55 feet of the Northeast quarter of the Southeast quarter of Section 14 - T5N,
R6E of the G&SRB&M, Maricopa County, Arizona.

ROAD RIGHT-OF-WAY ABANDONMENT AB-164

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-164:

**RESOLUTION
ROAD ABANDONMENT AB-164**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC
PURPOSES AND ABANDONING OR VACATING THAT ROADWAY.**

WHEREAS, a certain roadway located in the general vicinity of Dove Valley Road and 64th Street was acquired by Maricopa County by means of an Easement and Agreement for Roadway Purposes on July 31, 1980 and recorded by the Maricopa County Recorder as Docket 14583, Pages 615 and 617; and

WHEREAS, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

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WHEREAS, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway as described in Exhibit "A" is hereby abandoned.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 14583, Pages 615 and 617.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. 28-7210.

DATED this 2nd day of January 2007. (C6407147000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: AB-164 – Legal Description

The West 25 feet and the North 30 feet of the Northwest quarter of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 15 - T5N, R4E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. **EXCEPT** therefrom, the East 152.35 feet of said North 30 feet.

ROAD RIGHT-OF-WAY ABANDONMENT AB-166

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-166:

**RESOLUTION
ROAD ABANDONMENT AB-166**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity 80th Street and Quenton Street was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on March 24, 1993 and recorded by the Maricopa County Recorder as record number 93-0172605; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

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WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in record number 93-0172605.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a utility facility that existed before this abandonment resolution, per A.R.S. 28-7210.

DATED this 2nd day of January 2007. (C6407148000)

/s/ Fulton Brock, Chairman of the Board

ATTEST"

/s/ Fran McCarroll, Clerk of the Board

Exhibit A: Legal Description AB-166

The West 25 feet of the South half of the West half of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 32 - T2N, R7E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. EXCEPT the South 25 feet thereof.

ROAD RIGHT-OF-WAY ABANDONMENT AB-150

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following road abandonment, AB-150:

**RESOLUTION
ROAD ABANDONMENT AB-150**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING OR VACATING THAT ROADWAY.

WHEREAS, a certain roadway located in the general vicinity of Broadway Road and 43rd Avenue was acquired by Maricopa County by means of a Plat of Maricopa Garden Farms in 1924 and recorded by the Maricopa County Recorder as Book 11 of Maps, Page 38; and

WHEREAS, a proposal requesting the abandonment of the roadway has been submitted to Maricopa County; and

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WHEREAS, a legal description of the roadway to be abandonment, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the roadway proposed for abandonment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed abandonment be approved; and

WHEREAS, Maricopa County is authorized to abandon the roadway as described in Exhibit "A", pursuant to A.R.S. §§ 28-6709, 7202, 7205 and 7215.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway as described in Exhibit "A" is hereby abandoned.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Book 11 of Maps, Page 38.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. 28-7210.

DATED this 2nd day of January 2007. (C6407150000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Legal Description AB-150

That part of the Northwest quarter of Section 27 - T1N, R2E of the G&SRB&M, Maricopa County, Arizona described as follows:

The North 40 feet of Lot 16 of Maricopa Garden Farms, according to Book 11 of Maps, Page 38.

ANNEXATION BY THE TOWN OF BUCKEYE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of County right-of-way within: 231st Avenue (U.P.R.R. to Broadway Road) and Southern Avenue (Watson Road to 231st Avenue) in accordance with Ordinance No. 83-06. (C6407140000) (ADM4202-002)

Those portions of Sections 27 and 34, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

The east 25 feet of the west half of said section 27;
except the north 33 feet thereof; and
except the south 40 feet thereof.

the west 25 feet of the northeast quarter of said section 27:
except the north 33 feet thereof.

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the south 40 feet of the southwest quarter of said section 27;
except the west 33 feet thereof.
the north 40 feet of the northwest quarter of said section 34;
except the west 33 feet thereof.
that portion of the west 40 feet of the northeast quarter of said section 34 lying northerly
of the north line of the Union Pacific Railroad right-of-way;
except the south 10 feet of the north 50 feet thereof.

APPOINTMENT – MERIT SYSTEM COMMISSION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Kathleen M. Hobbs, representing Supervisorial District 5, to the Merit System Commission. This term is effective upon Board approval through December 31, 2009. (C0607047900) (ADM3315-001)

APPOINTMENTS – GREATER PHOENIX ECONOMIC COUNCIL BOARD OF DIRECTORS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Chairman Brock, Supervisor Wilson, and Mr. Rick West, to the Greater Phoenix Economic Council Board of Directors. These terms are effective upon Board approval through December 31, 2007. (C0607050900) (ADM4801)

REAPPOINTMENT – RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint Supervisor Wilcox, as nominated by Chairman Brock, to the Ryan White Title I Planning Council. This term is effective from March 1, 2007 through February 28, 2008. (C0607051900) (ADM2153-001)

APPOINTMENT – REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) BOARD OF DIRECTORS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint Supervisor Wilcox to the Regional Public Transportation Authority (RPTA) Board of Directors. This term is effective upon Board approval through December 31, 2007. (C0607052900) (ADM2041)

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) regarding action on the following vouchers:

Ratify Voucher #6020	\$202,216.55
Ratify Voucher #214	\$276,162.51

There were no staff updates on regional schools' operations and finances. (ADM3814-005)

ROAD FILE DECLARATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing for 9:00 a.m., Wednesday, February 7, 2007, at 205 W. Jefferson, Phoenix, to declare the following road into the county highway system: All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted

Road File No. 4473-R. In the vicinity of Patton Road from Tuthill Road (203rd Avenue) to Phoenix-Wickenburg Highway and 195th Avenue from Jomax Road to Patton Road. (C6407138000)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor, seconded by Supervisor, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for February 7, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2006088; Z2006089; Z2006021; Z2006062; Z2006103

ASRS CLAIMS

No request to authorize payment of claims was submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the canvasses of elections submitted by the following special district.

Western Meadows Irrigation District

ADM4326-001

CLASSIFICATION CHANGES

No request to approve the Assessor's recommendation pursuant to A.R.S. §42-12054 to change classification and/or reduce the valuation of certain properties was received for this meeting. (ADM723)

COMBINED CHARITABLE CAMPAIGN

No contributions were reported for this meeting. (ADM3311-001)

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COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromise as payment in full. This item was discussed in Executive Session on December 18, 2006. (ADM407)

Rosa Leyva \$14,269.77

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and/or ratify duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Wood, Patel & Associates Inc	370018727	Expense	\$417.41
Follett College	370019419	Expense	\$803.91
Irvine Law Firm PA	370020818	Expense	\$32,520.00
Keefe Supply Company	370015662	Expense	\$13,489.18
Sage Technologies Corp.	37002588	Expense	\$3,910.00
John Buffington	270023995	Expense	\$130.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Ivan Villalobos	Fowler SD #45	170049119	\$868.71
Richard Florez	Fowler SD #45	170044509	\$78.50
Richard Florez	Fowler SD #45	170029479	\$78.50
Laura Keyser	Fowler SD #45	170038665	\$87.73
Norma Sanchez	Tolleson Union High SD #214	170034795	\$203.91
Socorro Villalobos Eribes	Phoenix Elem SD #1	170047907	\$524.35
Brenda Marie Wallemann	Phoenix Elem SD #1	470058406	\$387.50
Dorothy Pettikas	Litchfield Elementary SD	170053019	\$244.91
Pete Costales	Mobile ESD #86	470049604	\$287.89
AZ Dept of Revenue	Queen Creek SD #95	470001629	\$882.03
AZ Dept of Revenue	Queen Creek SD #96	470001686	\$19.09
AZ Dept of Revenue	Queen Creek SD #97	470001720	\$80.23
AZ Dept of Revenue	Queen Creek SD #98	470001644	\$6.72
AZ Dept of Revenue	Queen Creek SD #99	470001669	\$7.66
AZ Dept of Revenue	Queen Creek SD #100	460136726	\$1,894.91

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MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held August 16, 2006 and November 13, 2006.

PRECINCT COMMITTEEMEN

No request was received to authorize the appointment and cancellation of appointment of Precinct Committeemen for this meeting. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

YEAR	FROM	TO	AMOUNT
2006	6174	7360	-\$391,572.12
2005	16596	16735	-\$50,013.14
2004	14137	14153	-\$36,748.56
2003	27458	27555	-\$114,384.18
2002	20410	20411	-\$563.52

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated Month Date, Year of current agenda date. (ADM704)

2004	2006/2007
TX2004-000065	TX2005-050341

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Richard Lyle Peterson	\$131.36
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TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

No member of the public came forward to speak at this meeting. (C0607049900) (ADM605)

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SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox reported that Clerk of the Court Michael Jeanes is today culminating his decision to take the Court Clerk's Office and court documents wireless. She called it a "red-letter day for the County." Ms. Wilcox added that many of the judges felt some apprehension at going full-swing into the technology age but she felt it was necessary and wondered if it would be wise for the Board to follow this example. She asked for David Smith to work with Clerk of the Board Fran McCarroll to explore such a move, which would not only result in much less paperwork but also increase computer and internet interaction. Chairman Brock held up his eight-inch thick notebook of backup material that staff prepares for each meeting and said he endorsed the "no paper" idea. (ADM606)

PLANNING AND DEVELOPMENT ITEMS

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **Z2005-024 District 5**
 Applicant: Wireless Facilities, Inc. for Arizona Department of Administration
 Location: East of SR 85 and north of Patterson Road (in the Buckeye area)
 Request: Special Use Permit (SUP) for a Wireless Communication Facility (100' monopole) in the Rural-43 zoning district and Wireless Communication Facilities Use District 3 (approx. 0.027 acres) – Sprint/Nextel #AZ0561B Highway 85

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2005-024, subject to the following stipulations "a" through "n". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Sprint/ Nextel Site # AZ0561B Highway 85" consisting of five (5) full-size sheets, dated (revised) September 28, 2006, and stamped received September 28, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Project narrative Sprint/ Nextel Wireless Communication Facility", consisting of three (3) pages, dated revised November 9, 2006, and stamped received November 9, 2006, except as modified by the following stipulations.
- c. The height of the Wireless Communication Facility shall be limited to 100'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and

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comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- i. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Supervisor Wilcox asked Mr. Gerard if the landscaping issue had been resolved. He replied that this site was located "on the backside of a hill and off of the highway" and he knew of no specific landscaping that

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was proposed for this site. She felt it was necessary in order to alleviate complaints from future residents in the area.

Mike Gallagher, WFI, came forward to respond further and said he knew of no landscape requirements but they would be willing to comply with any that are proposed.

Mr. Gerard said that a masonry wall was part of the plan and proposed adding a stipulation requiring the planting of native landscaping plants along the decorative wall. Supervisor Wilcox agreed with this, saying that the area may be undeveloped now but it is a developing area and people would soon be moving into it and would appreciate this effort.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning commission for approval of this Special Use Permit with stipulations "a" through "n" and with the addition of stipulation "o" regarding landscaping.

- o. Native landscaping shall be provided to soften the appearance of the decorative masonry wall screening the ground equipment.**

REGULAR AGENDA DETAIL:

- 2. TA2005-001 All Districts - CONTINUED**
Applicant: Commission Initiative
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance (MCZO) to add definitions for development standards and government action to Ch. 2 and to modify Ch. 13 by adding Sec. 1306 regarding relief from development standards due to government actions

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of TA2005-001. Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

This item was continued to the January 17, 2007, board meeting on a motion by Supervisor Stapley who questioned the relief of standards "due to government action" because it was too vague and needed more definition. He asked if a HOA might not be considered "a government" with the current wording. Mr. Gerard agreed with a two-week continuance for consideration of amended language. Motion was seconded by Supervisor Kunasek and unanimously carried (5-0).

- 3. TA2006-004 All Districts**
Applicant: Earl, Curley, & Lagarde, PC for Pulte Homes, Inc.
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance (MCZO) regarding heights of walls and retaining walls

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of TA2006-004. Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

This Text Amendment to Chapter 11 of the Maricopa County Zoning Ordinance is in regard to terraces, wall heights and retaining wall heights, also to definitions related to these types of walls. The Amendment

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specifies heights of various types of walls in several zoning districts and lists exceptions. (Additional information on file in the Clerk of the Board's Office.)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this text amendment.

4. DMP2005-007 District 4

Applicant: Gallagher & Kennedy for Harvard Investments, Inc. and Algene Venture
Location: North of Indian School Road alignment, south of Bethany Home Road alignment, west of 323rd Avenue alignment, and east of 343rd Avenue alignment.
Request: Development Master Plan as a Protected Development Right Plan (approx. 2,078 acres) – Hassayampa Ranch Development Master Plan

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2005-007, subject to the following stipulations "a" through "mm". Commissioner Makula seconded the motion, which passed with a majority vote of 7-1, with Commissioner Aster dissenting due to reasons stated previously.

COMMISSION ACTION: Commissioner Pugmire moved to amend the motion to not include Protected Development Rights. Commissioner Aster seconded the motion, which passed with a vote of 6-2 as follows:

Commissioner Bowers – yes	Commissioner Barney – no
Commissioner Jones – yes	Commissioner Aster – no
Commissioner Makula – yes	
Commissioner Smith – yes	
Commissioner Pugmire – yes	
Chairman Masel – yes	

- a. Development and use of the site shall comply with the narrative report titled "Development Master Plan for Hassayampa Ranch" dated revised October 27, 2006 and stamped received November 1, 2006, consisting of 93 pages, all appendices, and all figures and tables except as modified by the following stipulations.
- b. Changes to the Hassayampa Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to the Hassayampa Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hassayampa Ranch Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.

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- d. The initial final plat for the Hassayampa Ranch Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this development master plan. If revoked, all zoning and other entitlement changes approved that are associated with the Hassayampa Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- e. Prior to approval of any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zoning change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- f. The Hassayampa Ranch master homeowners association shall be responsible for the maintenance of all private roads; public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- g. Concurrent with each preliminary plat application, the master development shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan.
- h. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- i. All irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- j. The total number of residential dwelling units for the Hassayampa Ranch Development Master Plan shall not exceed 5,707 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- k. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Hassayampa Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being

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implemented and any other information as requested by the Maricopa County Planning and Development Department.

- l. The Hassayampa Ranch Development Master Plan is subject to all Maricopa County Standards and regulations in effect at the time of zoning and platting.
- m. All future zoning change applications for non-residential development require a Planned Development (P.D.) overlay.
- n. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with the Maricopa County standards in effect at the time of platting.
- o. The master developer shall provide neighborhood access to commercial and mixed use parcels via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be identified on all plats and precise plans of development.
- p. Each mixed-use center development providing over 50 parking spaces shall assign at least 10 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.
- q. Unless otherwise agreed to in writing by the applicable school districts, not less than two (2) elementary schools, totaling 26.4 acres, shall be reserved in the locations and of the sizes identified on the Hassayampa Ranch Development Master Plan land use plan. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and type of schools and acreage referenced in this stipulation. Elementary Schools are prohibited from fronting on arterial streets.
- r. The master developer shall notify all future residents that they are not located within an incorporated municipality, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, sewer, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- s. Prior to approval of the first final plat, the master developer shall establish Covenants, Conditions, and Restrictions (CC&Rs) for the Hassayampa Ranch DMP. These CC&Rs shall include age restrictions as outlined in the narrative report referenced in stipulation 'a.' It shall be the responsibility of the Homeowner's Association to enforce these restrictions. Failure to comply with this stipulation will be considered substantial non-compliance with this DMP as referenced in stipulations 'a' and 'b' and grounds for the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revoking the approved development master plan and any associated zoning changes.
- t. All park facilities shall be completed concurrently with residential development within the respective parcel(s) shown on each plat. Park facilities and amenities shall be identified on

all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.

- u. Not less than 364 acres shall be reserved for Recreational Open Space land use in the locations depicted on the Hassayampa Ranch Development Master Plan land use plan. This includes no less than 52 acres for neighborhood parks and community recreation centers, and a minimum of 38 mini/pocket parks at a minimum of one acre each. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Recreational Open Space acreage completed to that point with respect to the requirements outlined in this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- v. Not less than 412 acres shall be reserved for Dedicated/Non-Developable Open Space in the locations depicted on the Hassayampa Ranch Development Master Plan land use plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Dedicated/Non-Developable Open Space set aside to that point with respect to the requirements outlined in this stipulation. No development shall be allowed in these areas, and any disturbance to such areas is subject to approval by the Maricopa County Planning and Development Department.
- w. Not less than two community recreation centers, 2.7 and 6.6 acres respectively, shall be reserved at the locations identified on the Hassayampa Ranch Development Master Plan land use plan.
- x. The Hassayampa Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit. All parcels depicted on this exhibit as "Active Adult" shall be age-restricted, and shall include no less than 1,971 of the 5,707 total residential units allowed. To help ensure compliance, the cumulative number of age-restricted dwelling units permitted to that point shall be identified on each preliminary and final plat.
- y. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private service provider demonstrating commitment to serve the entire Hassayampa Ranch Development Master Plan.
- z. Not less than 40.8 acres (or equivalent measurement) shall be reserved for Mixed-Use land uses. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than 30 of the 40.8 acres (or equivalent measurement) shall be reserved for non-residential and non-retail commercial uses. At the time of each preliminary plat and precise plan submittal for the applicable parcels, the master developer shall include a description of the status of the cumulative acreage of the non-residential and non-retail commercial uses completed to date as required per this stipulation.
- aa. Not less than 27.1 acres shall be reserved for a Community Retail Center. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than ten (10) of the 27.1 acres shall be zoned C-O. At the time of each precise site plan submittal for the applicable parcels, the master developer shall include a

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description of the status of cumulative acreage of C-O zoned to date as required per this stipulation.

- bb. Not less than 4 acres shall be reserved to facilitate an emergency response station for the fire district and the Maricopa County Sheriff's Office to be located at the site identified on the land use exhibit. Written confirmation from the Tonopah Valley Fire District (or selected fire service provider) and the Maricopa County Sheriffs Office that the 4 acre site is sufficient to meet their response needs shall be provided to the Maricopa County Planning and Development Department prior to any zoning change. If additional emergency response stations are necessary or if the proposed site is requested by either agency to be relocated, the applicant shall process a major amendment to this DMP which is subject to Board of Supervisors approval.
- cc. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and an approved certificate of convenience and necessity (CC&N) from Global Water Resources which demonstrates a willingness and capability to serve the entire Hassayampa Ranch Development Master Plan.
- dd. The applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval by the Maricopa Association of Governments (MAG) of a 208 Amendment from Global Water Resources. The "will serve" letter shall demonstrate a willingness and capability to serve the entire Hassayampa Ranch Development Master Plan with wastewater service. The required MAG 208 amendment shall be approved by MAG prior to any zoning change.
- ee. Development shall be prohibited on hillside slopes of 20% or greater slope unless approved by the Maricopa County Board of Supervisors. Building envelopes shall be used for any development on slopes of 15% or greater, in which no disturbance shall be allowed outside such envelopes unless approved by the Maricopa County Board of Supervisors.
- ff. Prior to approval of each preliminary plat, the master developer shall submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable platted parcels, and which determines the preservation/disposition for each of the selected native trees and cacti to the Maricopa County Planning and Development Department.
- gg. The following Maricopa County Department of Transportation stipulations shall apply:
 - 1. The applicant shall provide a Traffic Impact Study (TIS) prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may choose to construct on-site and off-site regional street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system

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roadways,” must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the applicant chooses not to construct on-site or off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT. MCDOT will determine the improvements to be built in exchange for the total amount of contribution, or the total amount of contribution for each phase. The applicant will be responsible for building those improvements and will not be reimbursed by MCDOT should the total costs for the construction exceed the amount of the regional transportation contribution that would have been due had the applicant made contributions rather than building infrastructure.

3. If required per item 2 above, a Development Agreement shall be executed prior to any zoning approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The applicant shall provide the ultimate full or half-width of right-of-way for all public roadways as follows:
 - A. Bethany Home Road: 65 feet (entire north boundary of project)
 - B. Camelback Road: 100 feet and 200 feet
 - C. Indian School Road: 65 feet
 - D. 343rd Avenue: 65 feet
 - E. 339th Avenue: 200 feet (the applicant shall dedicate 200 feet of right-of-way for 339th Avenue from Camelback Road to Bethany Home Road. Compensation for any dedication in excess of the 130 feet may be credited toward the developer's contribution. The applicant shall reserve an additional 100 feet of right-of-way on the west side of the 200 feet of right-of-way for 339th Avenue [the “Reserved Area”] for possible expansion of 339th Avenue for freeway purposes. Said reservation shall remain until December 31, 2007 [the “Reservation Period”]. During the Reservation Period, the Reserved Area may not be developed for any use except utilities, landscaping, staging, or excess parking. Should Maricopa County elect to require the dedication of all or any portion of the Reserved Area, compensation for such dedication shall be credited toward the developer's contribution).
 - F. 335th Avenue: 80 feet
 - G. 331st Avenue: 65 feet and 130 feet (from Indian School Road to Camelback Road)
 - H. East/West Collector Road: 80 feet

The above references interior and perimeter roads (the project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where “half” of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersection where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

5. Unless approved otherwise by MCDOT, and subject to stipulation 2 above, the applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT, except that the applicant shall only be responsible for the construction of the ultimate half-width of Bethany Home Road from the western boundary of Hassayampa Ranch to 339th Avenue. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.
6. The applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may not be creditable to the applicant's contribution referred to in item 2.
7. The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways. Notwithstanding the foregoing, no all-weather access is required to be provided to Parcel 38, provided it is designated as undeveloped open space.
8. The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The applicant shall not locate elementary or middle schools fronting or siding on arterial roads. Pedestrian routes to school (Safe Routes To School Program) shall be planned so if necessary, school routes shall only cross arterials at signalized intersections or at grade separated crossings.
10. The applicant shall design the development to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, electric vehicles, shared accommodations, internal trail systems, etc). Trail system crossings of arterials at other than signalized intersections shall be grade separated.
11. If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The applicant (or as assigned to the Home Owner's Association (HOA) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The applicant shall comply with all applicable local, state, and federal requirements (dust control, noise mitigation, AZPDES, 404 permitting, etc.).
15. The applicant shall consult with ADOT regarding access to the I-10 freeway. The applicant shall provide written documentation of ADOT's review and response.
16. The applicant shall provide right-of-way and construct a roadway along 339th Avenue from Camelback Road south to Indian School Road. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2.
17. Throughout the DMP process, the applicant is required to make certain right-of-way dedications and provide certain roadway construction. Pending the completion of the Interstate 10 – Hassayampa Valley Roadway Framework Study, and completion

of other similar studies, MCDOT may determine that such rights-of-way and/or roadway construction may not be necessary.

hh. The following Maricopa County Parks and Recreation Department stipulations shall apply:

1. One hundred fifty dollars (\$150) per residential unit will be paid by the developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Hassayampa Ranch residents. Maricopa County Parks & Recreation Department will provide each residential unit in the Hassayampa Ranch Development Master Plan with a one-year, seventy five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
2. One hundred fifty dollars (\$150) per residential unit will be paid by the developer as each residential building permit is issued to a fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.

ii. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Adequate coverage by the existing Outdoor Warning Siren System for the Palo Verde Nuclear Generation Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Hassayampa Ranch Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set forth in CODE OF FEDERAL REGULATIONS FEMA RULE 44 – PART 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings/residences.
2. Prior to any zoning change, the applicant shall consult with the Maricopa County Department of Emergency Management to determine if the proposed development adversely impacts the existing Palo Verde evacuation plan. If the proposed development adversely impacts the evacuation plan results, then the applicant shall ensure that adequate provisions (street and road widening, interchanges, etc.) are provided to ensure evacuation assumptions and requirements are met.
3. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating

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Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

- jj. The following Maricopa County Library District stipulation shall apply:
 - 1. At the time each residential building permit is issued, the applicant shall pay a quality of life assessment in the amount of \$596 for each residential unit to the Maricopa County Library District.
- kk. The following Maricopa County Sheriffs Office stipulation shall apply:
 - 1. Prior to any zoning change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, separate office space (the size to be determined in the development agreement) for an on-site law enforcement building for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Hassayampa Ranch and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development agreement. This development agreement shall also include, but not necessarily be limited to, the master developer's requirement to pay for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office, and provided to the Maricopa County Planning and Development Department for public record.
- II. The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

"You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day, although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

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Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs), and be included in the public report.

- mm. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

Mr. Gerard said a request for protected development rights for this 2,078 acre planned community had been received from the applicant and had been denied by the Planning Commission because of unresolved questions on compliance. However, since several PDR's had been approved by the Board recently this applicant was requesting the same level of protection. This could be accomplished by adding a new stipulation, "nn." He added that the applicant also wishes to take advantage of previous Board action regarding the combination of dual-fees for parks and trails by amending stipulation "h."

Rod Jarvis appeared for the applicant to answer a question from Supervisor Wilson on the length of time the PDR's would be in effect. Mr. Jarvis responded that they would agree to mirror the five-year period that had recently been approved by the Board for a similar DMP. He agreed to new stipulation "nn" but asked to change the wording from zoning "entitlement" to zoning "category" for a broadening effect on what would fit in the designated area. Mr. Jarvis also agreed to the language change to stipulation "h" to reflect a \$250 total contribution to parks.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox to concur with the recommendation of the Planning Commission for approval of this DMP with stipulations "a" through "mm."

Supervisor Stapley asked for clarification on whether the motion granted the protected development rights for the five-year period and also the combination of fees for parks and trails to total \$250. Mr. Wilson said that it did.

Supervisor Kunasek asked staff to explain their stats on employment opportunities in this and similar large DMP projects. Mr. Gerard said they try to stick to the Board approved DMP guideline ratios that are based on total potential population for the community to enable them to achieve a balance for residents. In this case that would mean 10 acres of employment for every 1,000 population. He added that certain nuances like retirement components within the community and proximity to a freeway could alter that ratio. Further discussion on possible issues regarding land use, employment and zoning matters ensued. The Board was told that amendments to the DMP could be requested by the developer to reflect actual use if this is deemed necessary as the project develops.

Mr. Jarvis referenced a current stipulation that requires a portion of the community to be designated as age restricted and said that this is reflected in the stipulation on employment.

The Clerk asked Mr. Gerard to clarify the motion with regards to earlier references to stipulation "h" advising that the fee consolidation was in the agenda as stipulation "hh." He agreed it should be "hh." The Clerk had an additional inclusion question on changing the word "entitlement" to "category" as requested by the applicant in new stipulation "nn." Mr. Gerard read proposed new stipulation "nn" and the applicant agreed to language used. See changes below: Motion, as clarified and amended, carried unanimously (5-0).

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hh. The following Maricopa County Parks and Recreation Department stipulations shall apply:

1. One hundred fifty dollars (\$150) per residential unit will be paid by the developer as each residential building permit is issued. At the time each residential building permit is issued, two-hundred fifty dollars (\$250) per residential unit will be paid by the developer to a park enhancement fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Hassayampa Ranch residents. Maricopa County Parks & Recreation Department will provide each residential unit in the Hassayampa Ranch Development Master Plan with a one-year, seventy five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park. Details regarding this assessment are to be addressed in the Development Agreement.
2. One hundred fifty dollars (\$150) per residential unit will be paid by the developer as each residential building permit is issued to a fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.

nn. Approval of this Development Master Plan with Protected Development Rights does not guarantee any specific zoning entitlement within the identified land use category.

5. **Z2005-031** **District 4 - CONTINUED**
Applicant: CMX, LLC for Maricopa Water District
Location: Along Perryville Road from Camelback Road to Bell Road (in the Surprise/west Glendale area)
Request: Rezone from Rural-43 to C-1 CUPD, C-2 CUPD, C-O CUPD, R-2 RUPD, R-4 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD all with a PAD overlay (approx. 2,665 ac.) – Zanjero Trails

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-031, subject to the following stipulations "a" through "q". Commissioner Makula seconded the motion, which passed with a majority vote of 5-1, with Commissioner Smith dissenting.

- a. Development of the site shall comply with the zoning narrative entitled "Zanjero Trails Unit Plan of Development Zone Change Request with PAD Overlay" consisting of a bound document containing sixty-three (63) pages, including all figures and diagrams, dated August 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- b. Prior to the submittal of any Preliminary Plat for any portion of the Zanjero Trails project, with the exception of the Phase 1 Preliminary Plat currently being processed under S2005020, the developer shall enter into a Development Agreement with the Maricopa County Department of Transportation. Said Development Agreement shall be consistent with the provisions as outlined in Stipulation "ee.4" of DMP2002005. This agreement shall detail transportation issues, including the timing for construction of the offsite roadway improvements referenced in stipulation "c.6" below. The Preliminary Plat in process under S2005020 shall not be approved until the Development Agreement is executed.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1) A revised Traffic Impact Statement (TIS) was received May 5, 2006. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the Development Plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT approved TIS.
 - 2) The applicant shall provide the ultimate full-width of right-of-way for all interior public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
 - 3) The applicant shall provide the ultimate half-width of right-of-way for all perimeter public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
 - 4) The applicant shall construct the ultimate full-width interior public roadways.
 - 5) The applicant shall construct the ultimate half-width perimeter public roadways.
 - 6) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be all weather facilities, must meet County standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a development agreement to detail the specifics of construction, including phasing and timing. If the applicant

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chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

- 7) If required per item #6, a development agreement shall be executed prior to any zoning or preliminary plat approval. The development agreement shall be an enforceable contract, regardless of annexation.
- 8) The applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
- 9) The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 10) The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
- 11) The applicant shall not locate elementary or middle schools on arterial alignments.
- 12) The applicant shall provide an underground conduit system (or comparable technology as approved by MCDOT) within the rights-of-way throughout the development to integrate future traffic signals and ITS uses.
- 13) The applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
- 14) The applicant shall design the project to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
- 15) If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
- 16) The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The developer (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
- 17) The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.

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- 18) The applicant shall comply with all applicable local, state and federal requirements (dust control, AZPDES, etc.).
- 19) Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- e. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- f. Prior to the approval of the first Final Plat, the developer shall obtain from the Maricopa County Environmental Services Department Approvals to Construct for all required onsite and offsite water and sewer lines.
- g. Prior to the development or issuance of any building permits for property located within a regulated Floodplain, the developer shall obtain a Floodplain Use Permit from the Regulatory Division of the Maricopa County Flood Control District.
- h. Prior to the approval of any Final Plat, the developer shall obtain a Certificate of 100-Year Assured Water Supply from the Arizona Department of Water Resources.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view if in commercial areas. A continuous parapet shall screen all roof-mounted equipment.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the developer shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

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- l. Prior to Final Plat, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the

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Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this item to the February 7, 2007, meeting to allow time for finalization of this stage of the DMP process. Wendell R. Becker had registered to speak on this topic.

- 6. Z2006-065 District 4**
Applicant: Skyline Consultants, LLC for Fortress Holdings, LLC
Location: Southeast corner of Maryland Avenue and 127th Avenue (in the west Glendale area)
Request: Rezone from Rural-43 to R1-8 RUPD (approx. 20 ac.) – Maryland Estates

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2006-065, subject to the following stipulations "a" through "o". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Preliminary Plat and Rezone Exhibit for Maryland Estates", consisting of two (2) full-size sheets, dated June 1, 20006, sealed by David B Logan October 4, 2006 and stamped received October 30, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Maryland Estates Rezone from R-43 to R1-08 RUPD", consisting of twenty pages plus Exhibits B and Appendix C, dated October 12, 2006, and stamped received October 30, 2006, except as modified by the following stipulations.
- c. Within 30 days of approval by the Board of Supervisors (BOS), the applicant shall provide a revised narrative report with the following revised RUPD table.

Development Standard	R1-8 Base	R1-8 RUPD Proposed
Maximum building height / stories	30'/2 stories	30'/ 2 stories
Minimum front setback	20'	20'
Minimum side setback	7'	7'
Minimum street side setback	10'	10'
Minimum rear setback	25'	25'
Minimum lot size	8,000 sq. ft.	8,000 sq. ft.
Minimum lot width	80'	80'
Average lot area per dwelling unit	8,000 sq. ft.	9,290 sq. ft.

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Maximum lot coverage	35%	45%
Distance between buildings	15'	15'
Required parking spaces per unit	2	2
Perimeter Fence Height	6'	6'
Retaining Wall Height	3'	6'
Terracing Wall Height	3'	6'
Walls Combined Height	N/A	12'
Maximum Area of Freestanding Monument	32 sq. ft./6' (h)/ base ½ width	32 sq. ft./6' (h)/ base ½ width*
Hillside Development Standard	Disturb no more than 35% as allowed under MCZO Section 1201	100% hillside disturbance

- d. Development of the site shall be in conformance with the landscape plan entitled "Maryland Estates Preliminary Landscape Plan", consisting of five (5) sheets, dated September 29, 2006, and stamped received October 30, 2006, except as modified by the following stipulations.
- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. The applicant shall comply with the following Maricopa County Department of Transportation (MCDOT) requirements:
 - 1. Provide a total half-width right-of-way of 40' for Maryland Avenue and 127th Avenue.
 - 2. Ultimate half-width improvements on Maryland and 127th Avenue.
 - 3. Landscape to comply with MCDOT requirements in County right-of-way (Roadway Design Manual).
 - 4. Provide 25' sight triangle at 127th Avenue and Maryland.
 - 5. The developer shall construct a hammerhead street termination for 126th Avenue, south of the subject property. In conjunction with the infrastructure permit, the developer shall be responsible for securing the easement and abandoning any excess right-of-way.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- l. The following Maricopa County Library District (MCLD) shall be complied with:
 - A quality of life assessment of \$596 for each housing unit built is to be made available to the Maricopa County Library District."
- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

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- o. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard explained previous action on this rezoning case and said the recommendation was for approval. Supervisor Wilson asked if Luke AFB had commented on it and Mr. Gerard said they had signed off on it.

William Welsh, citizen, said he lived next to this property and there was a wash in between. He said that he had not seen any information on what was planned and asked if landscaping was planned for the wash or if it would be left undeveloped.

Philip Azuvia, spoke for the applicant, and said the landscape plan of the draft plat shows the intent of retaining everything on site and this wash and other areas would have a combination of turf and decomposed granite fill.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

- 7. Z2006-028 District 4**
Applicant: Cingular Wireless for Sun City West Christian Church
Location: Northeast corner of 151st Avenue and RH Johnson Boulevard (in the Sun City West area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility (55' monopole) in the Rural-43 zoning district (approx. 0.016 acres) – Cingular at Sun City West Christian Church

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-028, subject to the following stipulations "a" through "o". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Cingular Wireless Sun City West Christian Church" P871-01 consisting of nine (9) full-size sheets, dated (revised) August 24, 2006, and stamped received November 10, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Cingular Wireless 55' wireless communication facility at Sun City West Church P-871-01", consisting of twelve (12) pages, dated revised August 22, 2006, and stamped received November 10, 2006, except as modified by the following stipulations.
- c. The height of the Wireless Communication Facility shall be limited to 55'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. The developer shall be aware that they are located within the state-defined "territory in the vicinity of a military airport" as described by State of Arizona statute ARS §28-8481. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

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Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department.

- f. "Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- i. While co-location on the monopalm may be handled administratively per the Maricopa County Zoning Ordinance regulations; any increase in the Special use Permit area will require a Major Amendment.
- j. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- k. The applicant shall submit a written report outlining the status of the development at the end of two (2) and twenty (20) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations

Mr. Gerard gave background information on this case saying a letter in opposition to all cell towers had been received. The recommendation is for approval.

Chairman Brock asked if it was stipulated that when the equipment becomes obsolete the applicant would remove it from the site. Mr. Gerard said that had been agreed to.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

- 8. Z2006-082 District 4**
Applicant: HKS/The Stein Cox Group for Sun Health Corp.
Location: South and west of Granit Valley Drive and Meeker Boulevard (in the Sun City West area)
Request: Major Amendment to a Special Use Permit (SUP) for hospital in the C-O zoning district (approx. 29 acres) – Del E. Webb Memorial Hospital

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2006-082, subject to the following stipulations "a" through "s". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Sun Health Del Webb Hospital", consisting of two (2) full-size sheets, dated revised November 14, 2006 and stamped received November 14, 2006, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Sun Health Del E. Webb Hospital – Major Amendment to the Campus Site Plan Narrative Description", consisting of seventeen (17) pages, stamped received October 11, 2006, except as modified by the following stipulations.
- c. Elevations shall be generally consistent with the elevation drawings entitled "Sun Health Del E. Webb Hospital – Tower Expansion" consisting of four (4) 11" by 17" reductions, stamped received October 11, 2006, except as modified by the following stipulations.
- d. Landscaping shall be generally consistent with the landscape plans entitled "Del E. Webb Memorial Hospital – Major Amendment Landscape Plan – 2008 (2013)", consisting of five (5) full size sheets dated September 14, 2006 and stamped received October 11, 2006, except as modified by the following stipulations.
- e. Signage on the site shall be generally consistent with the sign package entitled "Sun Health Del E. Webb Hospital Signage Package", consisting of 32 pages and one (1) 11" by 17" exhibit, dated November 1, 2006 and stamped received November 2, 2006, except as modified by the following stipulations.
- f. Within thirty (30) days of Board of Supervisors' approval, the applicant shall submit a revised Grading and Drainage Plan and supporting Drainage Report such to discuss the underground retention scenario for Phase II development to the satisfaction of the Drainage Review Division.
- g. During construction, the applicant shall provide paved off-site parking in a number sufficient to offset the deficit generated by the construction activities and shall provide a shuttle service to transport individuals from the off-site parking area to the subject site. Prior to zoning clearance for any construction permit associated with this Major Amendment, the applicant shall provide evidence that the off-site parking area meets the provisions of Article 1102.5 of the Maricopa County Zoning Ordinance as it pertains to Joint Use of parking areas. Further, prior to zoning clearance for any construction permit associated with this Major Amendment, the applicant shall provide evidence of a shared parking agreement pursuant to Article 1102.3.1 of the Maricopa County Zoning Ordinance. A copy of this agreement shall be kept in the subject case file.
- h. This Special Use shall expire upon termination of the hospital use for the site.
- i. The applicant shall submit a Status Report following the completion of Phase I (2008) improvements, and upon the completion of the Phase II (2013) improvements. Staff shall review said Status Reports to ensure continued compliance with the stipulations of approval. Should staff find the stipulations of approval have not been met staff may forward the Status Reports to the Planning and Zoning Commission for review.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.

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- l. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- o. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Fire District of Sun City West. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District of Sun City West and shall provide written confirmation that the site will be developed in accordance with their requirements.
- p. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- s. Property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on this zoning request from Del E. Webb Memorial Hospital and said there is no opposition and the recommendation is for approval with stipulations "a" through "s.". He indicated that because the sign-off had been obtained for the Grading and Drainage Plan, stipulation "f" could now be deleted and the remaining stipulations "g" through "s" renumbered as "f" through "r."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with the stipulations "a" through "r" as amended.

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9. **Z2006-115 District 2**
 Applicant: Tom Hebert, Almost Home Pet Resort
 Location: Northeast corner of Rio Verde Drive and 156th Street (in the Rio Verde area)
 Request: Modify stipulations of an approved Special Use Permit (SUP) for a dog kennel in
 the Rural-43 zoning district (approx. 5 acres) – Almost Home Pet Resort

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-115, subject to the following stipulations “a” through “u”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled “Hebert Property: SUP for Almost Home Pet Resort, Ltd”, consisting of two (2) full-size sheets, dated April 1, 2002 and stamped received April 5, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Almost Home Pet Resort Ltd.” consisting of ten (10) pages and stamped received April 5, 2002 except as modified by the following stipulations.
- c. The Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors. A status report, which shall be used to monitor compliance with these stipulations, shall be submitted to the Planning and Development Department staff one year after approval of the Special Use Permit by the Board of Supervisors. Subsequent reports may be required by staff.
- d. The daily exercising of animals in the exercise areas shall be limited to the following schedules, Summer is designated as May through October, and Winter is designated as November through April.
 1. Summer hours: 6:00 a.m. to 9:30 p.m.
 2. Winter hours: 7:00 a.m. to 9:30 p.m.
- e. The kennels shall be constructed with noise attenuation on all exterior walls.
- f. Barking dogs shall not be allowed access to the exterior dog runs.
- g. No dogs shall be allowed outside based upon the following schedules, Summer is designated as May through October, and Winter is designated as November through April:
 - Summer hours: 9:30 p.m. – 6:00 a.m.
 - Winter hours: 9:30 p.m. – 7:00 a.m.
- h. Dogs will not be exercised outside the six exercise areas shown on the site plan. All exercise yards shall have eight-foot (8') tall walls.
- i. At not time shall dogs be allowed to roam the property unsupervised. No boarded dogs shall be outside in the exercise yards unless someone is at the facility.
- j. The number of dogs in the kennel shall be limited to 30 animals.

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- k. The kennel operation shall strictly comply with the provisions of Chapter XI (Animals) of the Maricopa County Environmental Health Code.
- l. The driveway and parking spaces as shown on the site plan must meet E.P.A. requirements for dust control. Decomposed granite and pea gravel are not acceptable methods of dust control.
- m. The use shall be monitored for two years for dust generation on 156th Street. This shall be addressed in the Status Report referenced in stipulation 'c'.
- n. The applicant agrees to participate in any future paving improvements districts for 156th Street.
- o. A building permit and drainage clearance must be approved by the Flood Control District prior to constructing any fencing on-site.
- p. Major changes to this Special Use Permit must be processed as a revised application in the same manner with approval by the Board of Supervisors following recommendation of the Planning and zoning Commission. Staff of the Planning and Development Department may administratively approve minor changes.
- q. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control Department may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- r. Non-compliance with the condition of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- t. No proposed lighting shall exceed eight feet (8') in height, and all outdoor lighting shall otherwise comply with Section 2318 of the Maricopa County Zoning Ordinance.
- u. Applicant shall submit a landscape plan to be reviewed by staff within 30 days of approval by the Board of Supervisors. The landscaping plan shall demonstrate that there will be vegetation provided along both street frontages to minimize the impact of any structures. All landscaping must be installed within six (6) months of Special Use Permit approval by the Board of Supervisors.

There is no known opposition and a great deal of support for this case and staff recommended approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "u."

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Supervisor Kunasek asked to recognize Jerry Astor who has served on the Parks Commission and is currently serving on the Planning Commission. He was joined by Chairman Brock in thanking Mr. Astor for his efforts and commitment.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board